U. S. ENVIRONMENTAL PROTECTION AGENCY 08 FE8 25 PM 2: 19

REGION 7 901 N. 5th STREET

KANSAS CITY, KANSAS 66101 BEFORE THE ADMINISTRATOR REGIONAL HEARING CLERK

In the Matter of)	Docket No. TSCA-07-2008-0009
KEITH C. NEWCOMB	·)	
Respondent)	

CONSENT AGREEMENT AND FINAL ORDER

The U.S. Environmental Protection Agency (EPA) Region 7 and Keith C. Newcomb have agreed to a settlement of this action before filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties. Issues of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

FACTUAL ALLEGATIONS

Jurisdiction

- 1. This proceeding is an administrative action for the assessment of civil penalties instituted pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a).
- 2. This Consent Agreement and Final Order serves as notice that EPA has reason to believe that Respondent has violated Section 409 of TSCA, 15 U.S.C. § 2689, by failing to comply with the regulatory requirements of 40 C.F.R. Part 745, Subpart F, Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential

Property, promulgated pursuant to Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d.

Parties

- 3. The Complainant, by delegation from the Administrator of the EPA, is the Chief, Toxics and Pesticides Branch, EPA, Region 7.
- 4. The Respondent is Keith C. Newcomb, an individual conducting business in the State of Missouri.

Statutory and Regulatory Background

(the Act), 42 U.S.C. §§ 4851 to 4856, to address the need to control exposure to lead-based paint hazards. The Act amended TSCA by adding Sections 401 to 412, 15 U.S.C. §§ 2681 to 2692. Section 1018 of the Act required EPA and the Department of Housing and Urban Development (HUD) to jointly issue regulations requiring the disclosure of known lead-based paint and/or lead-based paint hazards by persons selling or leasing housing constructed before the phase-out of residential lead-based paint use in 1978. The regulations, issued March 6, 1996, and codified at 40 C.F.R. Part 745, Subpart F, require that sellers and lessors of most residential housing built before 1978: a) disclose the presence of known lead-based paint and/or lead-based paint hazards in the target housing; b) provide purchasers and lessees with any available records or reports pertaining to the presence of lead-based paint and/or lead-based paint hazards; c) provide purchasers and lessees with a federally approved lead hazard information pamphlet; d) provide purchasers with a 10-day opportunity to conduct a risk assessment or inspection for the presence of lead-based paint hazards before the purchaser is obligated under any

purchase contract; and e) include certain disclosure and acknowledgment language in the sales or leasing contract. The failure or refusal to comply with the regulations is a violation of Section 1018 of the Act and Section 409 of TSCA.

Alleged Violations

6. The Complaint hereby states and alleges that Respondent has violated TSCA and federal regulations promulgated thereunder, as follows:

Count 1

- 7. Respondent is, and at all times referred to herein was, a "person" within the meaning of TSCA.
- 8. Respondent is the "lessor" as that term is defined by 40 C.F.R. § 745.103 of the following properties:

ADDRESS	CITY	STATE
100 North Spruce	Humansville	MO
102 North Spruce	Humansville	MO
103 East South Street	Bolivar	MO
108 East Colgate	Bolivar	MO
112 East Colgate	Bolivar	MO
114 East South Street	Bolivar	MO
115 East South Street	Bolivar	MO
117 North Dunegan	Bolivar	MO
117½ North Dunegan	Bolivar	MO
122 East South Street	Bolivar	MO
201 Cypress	Humansville	MO
206 West Fisher	Humansville	MO
319 North Hartford	Bolivar	MO
403 South Garfield	Humansville	MO
403 South Fir	Humansville	MO
409 NW 1 st	Humansville	MO
411 West Olive	Bolivar	MO
417 North Canton	Bolivar	MO
451 South Chicago	Bolivar	MO

500 North Oak	Humansville	MO
504 North Mary	Humansville	MO
614 East Boston	Bolivar	MO
619 San Martin	Bolivar	MO
634 East Locust	Bolivar	MO
710 West Pine	Bolivar	MO
713 West Wollard	Bolivar	MO
715 West Chestnut	Bolivar	MO
829 South Piles	Bolivar	MO
832 East Maupin	Bolivar	MO
838 East Maupin	Bolivar	MO
912 North Market	· Bolivar	MO
1208 West Fairplay	Bolivar	MO
1402 A South Clark	Bolivar	MO
4248 South 122 nd	Bolivar	MO

- 9. The properties referenced above were constructed before 1978; therefore, they are "target housing" as that term is defined by 40 C.F.R. § 745.103.
- 10. Information collected shows that Respondent failed to provide the lessees with an EPA-approved lead hazard information pamphlet before the lessees were obligated under a contract to lease target housing.
- 11. Respondent's failure to provide an EPA-approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.107(a)(1) and 745.115, and in accordance with 40 C.F.R. § 745.118(e), a violation of Section 1018 of the Act, 42 U.S.C. § 4852d, and Section 409 of TSCA, 15 U.S.C. § 2689, and thus, Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

CONSENT AGREEMENT

- 12. For the purposes of this proceeding, Respondent admits the jurisdictional allegations set forth above.
 - 13. Respondent neither admits nor denies the factual allegations set forth above.

- 14. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth above and its right to appeal the Final Order accompanying this Consent Agreement.
- 15. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.
- 16. Respondent certifies by the signing of this Consent Agreement and Final Order that to the best of Respondent's knowledge, it is presently in compliance with all requirements of 40 C.F.R. Part 745, Subpart F.
- 17. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a mitigated civil penalty in the amount of Two Thousand Six Hundred Eight Dollars and Twenty-Five Cents (\$2,608.25), plus interest of \$100.87, for a total payment of \$2,709.12. This penalty shall be paid in eight (8) payments of \$338.64 each. An initial payment of \$338.64 shall be paid on or before thirty (30) days of the effective date of the Final Order. Each succeeding payment of \$338.64 shall be due ninety (90) days after the previous payment.
- 18. In settlement of this matter, Respondent agrees to complete the following Supplemental Environmental Project (SEP), which the parties agree is intended to secure significant environmental and/or public health benefits at 715 West Chestnut, 122 East South Street, 115 East South, 114 East South, and 108 East Colgate, Bolivar, Missouri. Respondent shall, by and through a certified lead abatement contractor, at the cost of Six Thousand Seven Hundred Eighty-Nine Dollars (\$6,789), perform stabilization, priming and repainting of areas

within the target housing in accordance with Respondent's SEP Work Plan (attached hereto as Attachment A and incorporated by reference).

- 19. Within thirty (30) days of the effective date of the Final Order, Respondent will provide EPA with a copy of the letter sent to the Missouri Department of Health & Senior Services Lead Licensing Program informing the state of its intent to perform a SEP and requesting procedural information pertaining to performance of the SEP.
- 20. The total expenditure for the SEP shall not be less than Six Thousand Seven Hundred Eighty-Nine Dollars (\$6,789) and the SEP shall be completed no later than 90 days of the effective date of the Final Order. All work required to complete the SEP shall be performed in compliance with Federal, State and Local Laws and Regulations.
- 21. Within thirty (30) days of completion of the SEP, Respondent shall submit a SEP Completion Report to EPA, with a copy to the state agency identified below. The SEP Completion Report shall contain the following:
 - (i) A detailed description of the SEP as implemented;
 - (ii) Itemized costs, documented by copies of purchase orders, receipts or canceled checks; and
 - (iii) The following certification signed by Respondent:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

(v) The report shall be directed to the following:

As to EPA:

Crystal McIntyre WWPD/TOPE U.S. Environmental Protection Agency, Region 7 901 N. 5th Street Kansas City, Kansas 66101

As to the State:

Brandon Rekus, Program Manager Missouri Department of Health & Senior Services Lead Licensing Program 930 Wildwood, P.O. Box 570 Jefferson City, MO 65102

- 22. If the SEP referenced in Paragraph 18 above is not timely completed to the satisfaction of EPA in accordance with the terms of this Final Order, Respondent shall pay a stipulated penalty in the amount of Six Thousand Seven Hundred Eighty-Nine Dollars (\$6,789) minus any documented expenditures determined by EPA to be acceptable for the SEP, for a total equal to 100% of the projected costs of the SEP. For the SEP projects, the following instances constitute a failure to complete the project in accordance with the terms of this Final Order:
- (i) Failure to expend at least 90% of the Six Thousand Seven Hundred Eighty-Nine Dollars (\$6,789) in projected costs in a manner acceptable to EPA.
- (ii) Failure to ensure, through good faith and timely efforts, that the SEP projects are completed by the anticipated completion date of within ninety (90) days of the effective date of the Final Order. In the event of circumstances beyond its control rendering the anticipated completion date unfeasible, Respondent may demonstrate good faith by promptly notifying the EPA Region 7 contact identified in Paragraph 21 above of the change in circumstances and proposing a new completion date acceptable to EPA for the SEP.

- (iii) Any stipulated penalties for which Respondent is liable under this agreement shall be due and payable within ten (10) days of Respondent's receipt of a written demand from Complainant.
- 23. Respondent certifies that it is not required to perform or develop the SEP by any federal, state or local law or regulation; nor is Respondent required to perform or develop the SEP by agreement, grant or as injunctive relief in this or any other case or to comply with state or local requirements. Respondent further certifies that Respondent has not received, and is not presently negotiating to receive any credit in any other enforcement action for the SEP.
- 24. Any public statement, oral or written, in print, film or other media, made by Respondent making reference to the SEP shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action taken by the United States Environmental Protection Agency."
- 25. Respondent understands that its failure to timely pay any portion of the mitigated civil penalty stated in Paragraph 17 above may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties, late payment handling charges, and accumulated interest. In such case, interest shall accrue thereon at the applicable statutory rate on the unpaid balance until such civil penalty and any accrued interest are paid in full. A late payment handling charge of \$15 will be imposed after thirty (30) days and an additional \$15 will be charged for each subsequent thirty (30) day period. Additionally, as provided by 31 U.S.C. § 3717(e)(2), a six percent (6%) per annum penalty (late charge) may be assess on any amount not paid within ninety (90) days of the due date.

FINAL ORDER

Pursuant to the provisions of the Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2601-2692, and based upon the information set forth in the Consent Agreement accompanying this Final Order, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a mitigated civil penalty of Two Thousand Six Hundred Eight Dollars and Twenty-Five Cents (\$2,608.25), plus interest of \$100.87, for a total payment of \$2,709.12. This penalty shall be paid in eight (8) payments of \$338.64 each. An initial payment of \$338.64 shall be paid on or before thirty (30) days of the effective date of the Final Order. Each succeeding payment of \$338.64 shall be due ninety (90) days after the previous payment. Such payments shall identify the Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

US Environmental Protection Agency Fines and Penalties Cincinnati Finance Center PO Box 979077 St. Louis, MO 63197-9000

2. A copy of the check shall simultaneously be sent to the following:

Regional Hearing Clerk U.S. Environmental Protection Agency, Region 7 901 N. 5th Street Kansas City, Kansas 66101; and

Barbara Peterson, Attorney, Office of Regional Counsel U.S. Environmental Protection Agency, Region 7 901 N. 5th Street Kansas City, Kansas 66101.

- 3. Respondent shall complete the Supplemental Environmental Project in accordance with the provisions set forth in the Consent Agreement and shall be liable for any stipulated penalty for failure to complete such project, as specified in the Consent Agreement.
- 4. Respondent and Complainant shall each bear their own costs and attorneys' fees incurred as a result of this matter.

RESPONDENT KEITH C. NEWCOMB

Date: 1-15-08

Rv.

th C Newcomb

Print Name

Title

COMPLAINANT U. S. ENVIRONMENTAL PROTECTION AGENCY

Date: 2/13/08	By: Jamie Green, Branch Chief Toxics and Pesticides Branch Water, Wetlands and Pesticides Division
Date:	By: Barbara L. Peterson, Attorney Office of Regional Counsel

IT IS SO ORDERED. This Order shall become effective immediately.

Date: Feb. 26, 2008

ROBERT L. PATRICK

Regional Judicial Officer

U.S. Environmental Protection Agency, Region 7

ATTACHMENT A

PROPOSED WORK PLAN FOR THE KEITH C. NEWCOMB SUPPLEMENTAL ENVIRONMENTAL PROJECT

RESPONDENT, Keith C. Newcomb, proposes to perform the following interim controls projects in conformance with the Supplemental Environmental Project policies of EPA as a part of the settlement agreement between RESPONDENT and EPA. The interim controls projects will be completed by a certified lead abatement contractor and performed in conformance with applicable regulations.

Projects to be Completed

Pursuant to the bid attached hereto as Exhibit "1", RESPONDENT has contacted a certified lead abatement contractor, Titan Environmental Services, Inc., to obtain a preliminary bid on the interim controls at 715 West Chestnut, 122 East South Street, 115 East South Street, 114 East South Street and 108 East Colgate, Bolivar, Missouri, which generally consists of stabilizing, priming and repainting windows, interior walls and ceilings, and exterior soffits/fascis, cleaning and decontamination of high dust accumulation areas, at a cost of \$6,789.00, as represented in the lead hazard interim controls project proposal.

RESPONDENT anticipates entering into a binding contract with Titan Environmental Services, Inc., or other licensed abatement contractor, within thirty (30) days of entry of the Consent Agreement and Final Order, and anticipates completing the lead hazard interim controls projects within ninety (90) days of entry of the Consent Agreement and Final Order.

The cost of the interim controls projects at 715 West Chestnut, 122 East South Street, 115 East South Street, 114 East South Street and 108 East Colgate, Bolivar, Missouri, should be at least \$6,789.00.

Legal Guidelines for SEP Projects

The lead hazard interim control projects set forth above all fall within the SEP policy guidance and legal guidelines for SEP projects. These projects are not inconsistent with any provision of the underlying statutes. These interim controls projects directly advance the goals of the Residential Lead-Based Paint Hazard Reduction Act of 1992 by detecting and eliminating lead paint from target housing and accordingly eliminating potential lead paint health hazards from such units. These projects have a strong nexus with that statute for the reason that the projects will reduce the likelihood that similar violations (alleged non-disclosure) will occur in the future. In addition, the projects will reduce the potential for adverse impact to public health, and reduce other overall risks to public health addressed by the alleged violations at issue. The interim controls projects are also within the immediate geographic area of the alleged violations.

The funding for these projects is in no way controlled by EPA nor will EPA gain any resources as a result of such projects. RESPONDENT will not use any federal funds or grants to perform these projects, and will not claim a tax deduction for monies expended on these projects.

Categories of Supplemental Environmental Projects

Supplemental Environmental Projects are common settlement tools used in alleged violations of the Lead-Based Paint Disclosure Rule. EPA has expressed a preference for abatement SEP projects which eliminate the risk at a facility, as opposed to environmental assessment or audit SEP projects which may be interpreted as identifying but not eliminating the alleged risks.

Prior to initiating an abatement project, one might initiate an environmental quality assessment, which falls within the fifth type of SEP, the "Assessments and Audits" category. Such assessments include the investigation of the threats to human health, condition of the environment, and the environment impacted at the site.

Lead hazard interim control projects fall within the third type of SEP described in the SEP guidance, the "Pollution Reduction" category of Supplemental Environmental Projects, for the reason that such projects result "in a decrease in the amount and/or toxicity of [a] hazardous substance" that has previously been generated or released into the environment. Lead hazard interim controls in the target housing units "employs recycling, treatment, containment or disposal techniques" which reduces the potential for lead-based paint health related effects and other harmful consequences of lead in the environment.

To the extent that the lead hazard interim controls projects do not fit within one of the seven specific categories of SEP projects, these projects would fit within the "catch-all" eighth category described in the SEP policy. This category includes "projects determined by the case team to have environmental merit which do not fit within at least one of the seven categories above, but are otherwise fully consistent with all other provisions of the SEP policy."

Conclusion

RESPONDENT proposes to perform the above referenced lead hazard interim controls projects at 715 West Chestnut, 122 East South Street, 115 East South Street, 114 East South Street and 108 East Colgate, Bolivar, Missouri. The interim controls projects should be complete on or before ninety (90) days from the entry of the Consent Agreement and Final Order. Total costs for the interim controls projects combined with the total assessment cost, will equal approximately \$6,789.00.



TITAN ENVIRONMENTAL SERVICES, INC.

KEITH

September 20, 2007

Mr. Keith Newcomb P.O. Box 981 Bolivar, MO 65613

RE: Occupant Protection Plan
Lead Hazard Interim Control Project
Multiple Single Fundly Dwellings
715 West Cisconut, 122 East South, 115 East South,
114 East South and 188 East Collegate

Dear Mr. Newcomb:

The following summarizes the work practices and engineering controls that will be implemented during the Lead Hazard Interim Control projects at the above referenced projects. Our occupant protection plan for the interior and exterior work areas is as follows:

- We will demarcate each exterior regulated area utilizing barrier-warning tape and the proper signage with the following legend: "Caution Lead Hazard-Do Not Enter Work Area Unless Authorized. Poison, No Smoking or Eating."
- 2. We will place 6 mil poly critical barriers over all misc. openings/penetrations located in each work area. All windows/doors in the regulated work area within 20 ft. of working surfaces will be closed. All heating and cooling systems within the regulated area will be shut down and vents sealed with 6-mil poly to prevent lead dust accumulation within the system. All moveable items in the work area shall be moved from working surfaces. Items that cannot be moved from work surfaces shall be covered with 6-mil poly and sealed with duct tape. These harriers will stay in place until each work area has been decontaminated and passed visual inspection.
- Occupants will be informed of the importance not to enter these exterior work areas while work is in progress.
- 4. We will perform a pre-cleaning of each work area utilizing wet methods and HEPA-vacuuming prior to any work taking place. We will place 2 layers of 6-mil poly underneath the entire work area that extends out not less than 5 ft for interior and 10 ft for exterior. Exterior sheeting will be weighted down and slightly elevated at the outside edges. A project log will be maintained as a record of daily activities.

09/20/2007

KEITH

Perc 2 of 2



- All exterior work will cease if constant winds are greater than 10 miles per hour.
- All surfaces in the work area that have loose and flaking lead based paint will be thoroughly wetted using a garden sprayer, airless mister, or other appropriate means (i.e. when working in interior work areas) to reduce airborne dust. The loose and flaking lead-based paint will be removed utilizing hand held scrapers and hand pressure. All impact surfaces including doorstops, door jams and hinges, window wells and sashes, headers, parting beads and thresholds will be wet scraped while utilizing a hepa-vacuum prior to encapsulation. We will collect dust and debris by heps-vacuuming and wet sweeping on an hourly basis.
- We shall place all lead based paint chips, dust, debris and other project waste into properly labeled doubled 6-mil poly bags and then placed into a covered and secure box van for storage and future disposal.
- 8. Once the material has been properly containerized, all exposed surfaces within 5 ft. (interior) - 10 ft (exterior) of the immediate work area will be hepa-vacuumed and wet wiped utilizing water and a detergent solution. This process will be repeated a second time and until all dust and debris is no longer visible.
- Once the encapsulation process has been completed, the regulated area will be cleaned by hepa-vecuuming, wiping down all surfaces with a cleaning solution, rinsing all surfaces, and then heps vacuuming again. Cleaning shall begin at the end of the work area farthest from the main entrance to the area and from the top to the bottom of the regulated area,
- All equipment utilized in the regulated area shall be thoroughly cleaned with a cleaning solution and or hepa-vacuumed before removed from the regulated area.
- If applicable to the subject residence/building, tilling of the soil will be performed in areas identified as child accessible (structure's drip line) to a depth that results in no more than 400 PPM lead of homogenized soil.
- 12. The owner is responsible for obtaining and scheduling a 3rd party consultant to perform clearance sampling to ensure that lead dust and soil hazards have been remediated.

Titan Environmental Services would appreciate the opportunity to be of service to you. If you have any questions regarding this occupant protection plan, please don't hesitate to contact us.

Respectfully Submitted.

Kyle W Gunion

Senior Project Manager

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POMA P. DES/DET

Lead Hazard Interim Control Project Bid Form

Client: Mr. Kelth Newcouch, P.O. Box 961, Bollyar, MO, 65613
Project Street Address: 715 West Chestant
City: Bolivar State: MO Zip: 65613
List Areas That Are Going To Be Stabilized:
The deteriorated LBP building components associated with the above referenced property include 25 windows (interior/exterior) and minor areas of the interior walls and ceilings. These components will be stabilized, primed and repainted with a high quality interior and/or exterior istex paint (whichever is applicable). All friction surfaces and high dust accumulation areas will be cleaned and/or decontaminated before and after stabilization work. Bare soil areas at the structures drip line will be pre-cleaned, tilled and covered with a thick layer of mulch (or at the owners additional expense, an alternate ground covering will be provided).
Lead Based Paint Stabilization Co. Name: <u>Titan Environmental Services, Inc.</u>
Company Address: 3535 Broadway, Suite 300, Kansas City, Missonsi 64111
Company Phone Number: 816-960-4675 Fax: 816-960-4860
Date Bid Submitted: 9-20-07
Estimated Project Start Date: _Three (3) days from receipt of approved work order
Estimated Project Completion Date: _One (i) day from start of project
Grand Total of Bid: \$1767.00
If the stabilization does not pass dearance, I/we understand that I/we will be liable for the cost of any subsequent clearance tests, which will continue at my/our expense until the clearance tests are within acceptable levels. This will also require the contractor performing the paint stabilization to continue with remediation and cleanup until clearance is achieved. There will be no payment made until the clearance tests are satisfactory and any additional test costs will be deducted from payment.
I/we hereby authorize that I/we have read the above information and fully understand and agree to these guidelines.
Signature:
Date: 9-20-07

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Lead Hazard Interior Control Project Bid Form

Caicin.	Arra Town Velenia	HA TONIANASTA	Estate at a 128.	/, U. V. U.		****
Project S	Street Address: <u>122]</u>	East South Street	·			ans
City:	_Bolivar	State:	_MO	Zip	65613	•
List Are	as That Are Going T	o Be Stabilized:				
(interior will be s applicab before a	riorated LBP bulldle (exterior), exterior so tabilized, primed an le). All friction surf ad after stabilization with a thick layer of l).	offit/fascia and mine d repainted with a h acea and high that a work, Barc soil ar	e areas of the ich quality into econoulation e was at the stree	ears no and resideries and resideries and/or extended in the clear will be clear tures drip line a	lence siding. The sior latex paint (med and/or deco will be pre-clean	ese components whichever is ntaminated ed, tilled and
Lead Ba	sed Paim Stabilizati	on Co. Name: <u>Ti</u> t	an Environme	nal Services. In	c. .	
Compan	y Address: <u>3535</u>	Broadway, Suite 300). Kansas City	Missouri 6411	1	•
Compan	y Phone Number;	816-960-4675 F	x: 816-960-4	60		•
Date Bio	Submitted: <u>9-20</u>	91	COMMUNICATION AND AND AND AND AND AND AND AND AND AN		•	,
Estimate	xi Project Start Date	:_Three (3) days fin	om receipt of a	pproved work o	order	
Estimate	ed Project Completic	m Date: _Two (2) d	ays from start :	of project		
	6	irand Total of Bid:		1767.	00	•
aubsequ accepta remedia	abilization does no cent clearance tests, ble levels. This wil ation and cleanup o e satisfactory and a	, which will coating I also require the co atil clearance is ac	ue at my/our c untractor perf bieved. Then	xpense until th orming the pal : will be no pay	e clearence test int stabilization ment asule unt	s are within to continue with
I/we be guidelli	reby anthorize that ics.	I/we have rend the	e above inform	edion and fully	v understand on	d agree to these
Signatu	ret	C		·		
Date:	<u>9-20-07</u>					

RIE SEN AREN

19/21/207 18:44

STIGA P. MES/OUT

Lend Hazard Laterim Control Project Bid Form

THE ABOUT THE						•
Project Street Address: 115	East South					
City:Bolivar	State:M(Zip:	_65613	·	
List Areas That Are Going 1	o Be Stabilized:			•		
The deteriorated LBP buildi (interior/exterior) and mines repainted with a high quality and high dust accumulation Bare soil areas at the structu at the owners additional exp	sreas of the interior ceiling interior and/or exterior lareas will be cleaned and the fire drip line will be pre-c	ors. These communication of the contention of th	ionents v Ever is a ed before covered	vill be stabil policable), and after s with a thic	ized, orim All friction tabilization	od and n swfaces L work.
Lead Based Paint Stabilizati	on Co. Name: <u>Titan Br</u>	vironmental Sec	vices. In	2.		•
Company Address: 3535	Broadway, Suite 300, Kar	eas City, Missor	ıri 64111	Ĺ	•	
Company Phone Number:	816-960-4675 Fax: 81	6-960-4860	·			
Date Bid Submitted: 9-20	-07	·		•		
Estimated Project Start Date	: _Three (3) days from re	ceipt of approved	l work or	nder		
Estimated Project Completic	on Date: _One (1) day fro	m start of project	<u></u>	N		
	Grand Total of Bid;	563.00 86	7.00)		
If the stabilization does no subsequent clearance tests acceptable levels. This will remediation and cleanap a tests are satisfactory and a	, which will continue at I also require the contra will elsorance is achieve	my/our expense stor performing d. There will be	until the the pair no pay	e clearance nt stabiliza ment mude	tests are v tion to cor	within Minos with
I/we hereby authorize that guidelines.	I/we have read the abo	76 information a	nd fully	neterstan	nga dae d	ee to these
Signature:	1G		٠		·	
Date: 9-20-07	**************************************					•

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ENAA P NOE/NETT

Lead Hazard Interim Control Project Bid Form

Client: Mr. Keith Newcomb. P.O. Box 981, Bolivar, MO. 65613						
Project Street Address: 114 East South Street						
City: Boliver State: MO Zip: 65613						
List Areas That Are Going To Be Stabilized:						
The deteriorated LBP building components associated with the above referenced property include 13 windows (interior only) and minor interior wall areas. These components will be stabilized, primed and repainted with a high quality interior latex paint. All friction surfaces and high dust accumulation areas will be cleaned and/or decontaminated before and after stabilization work. Bare soil areas at the structures drip line will be precleaned, tilled and covered with a thick layer of mulch for at the owners additional expense, an alternate ground covering will be provided).						
Lead Based Paint Stabilization Co. Name: <u>Titan Environmental Services, Inc.</u>						
Company Address: 3535 Broadway, Suite 300, Kansas City, Missouri 64111						
Company Phone Number: 816-960-4675 Fax: 816-960-4860						
Date Bid Submitted: 9-20-07						
Estimated Project Start Date: _Three (3) days from receipt of approved work order						
Estimated Project Completion Date: _One (1) day from start of project						
Grand Total of Bid: 105/.00						
If the stabilization does not pass clearance, I/we understand that I/we will be liable for the cost of any subsequent clearance tests, which will continue at my/our expense until the clearance tests are within acceptable levels. This will also require the contractor performing the paint stabilization to continue with remediation and cleanup until clearance is achieved. There will be no payment made until the clearance tests are satisfactory and say additional test costs will be deducted from payment.						
I/we hereby authorize that I/we have read the above information and fully understand and agree to these guidelines.						
Signature:						
Date: 9-20-07						

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Lead Hazard Interior Control Project Bid Form

OHOM.		APPRICATE CHAI				, , , , , , , , , , , , , , , , , , ,
Project :	Street Address: <u>108</u>	East Colonte				
City:	<u> Bolivar</u>	State:	_MO	Zip:	65613	
List Are	es That Are Going	fo Be Stabilized:	•	•		
Cinterior high que accurpu at the st	/exterior) and exter ality interior and/or lation areas will be ructures drip line w	ing components asso or soffit/fascia. The saterior latex paint (sicaned and/or decor Il be pre-cleaned, till sate pround covering	se commonent whichever is a gardinated be led and cover	is will be stabiliz applicable). All f fore stud after stal ad with a thick la	ed, primed and iriction surface bilization work	repainted with a s and high dust . Bare soil areas
Lead B	used Paint Stabilizat	ion Co. Name: Ti	an Environm	ental Services. In	<u>s</u>	•
Compar	ny Address: <u>3535</u>	Brosdway, Spite 300), Kansas Cit	z. Missouri 6411	1.	•
Compa	y Phone Number:_	816-960-4675 P	ex: 816-960-4	860		
Date Bi	d Submitted: <u>9-2</u> 8	<u> </u>				
Estimat	ed Project Start Dat	:: _Timee (3) days fo	om receipt of	approved work o	rder	
Estimat	ed Project Completi	on Date: _Two (2) d	aya from start	of project	and the state of t	•
	•	Grand Total of Bid:		1337.0	O	
subsequacespix remedi	vent clearance test: ible levels. This wi atkon and cleanup	t pass clearance, I/ i, which will contins Il also require the c until clearance is ac my edditional test (ie at my/our ontractor per bieved. The	expense until th forming the pai to will be no pay	e clearance te int stabilizatio ment made w	sts are within n to continue with
I/we be guidelh	reby sutherize the nes.	t I/we have read the	aboye infor	matica and fully	understand s	and agree to these
Signatu		2G.				
Date:	9-20-07	- And Angle of the Angle of t		•		•

IN THE MATTER OF Keith C. Newcomb, Respondent Docket No. TSCA-07-2008-0009

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to Attorney for Complainant:

Barbara L. Peterson Assistant Regional Counsel Region VII United States Environmental Protection Agency 901 N. 5th Street Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Keith C. Newcomb PO Box 981 Bolivar, Missouri 65613

Dated: 2/25/08

Kathy Robinson

Hearing Clerk, Region 7